

STANDARD APPLICATION
**Harford County
Board of Appeals**

Bel Air, Maryland 21014

RECEIVED

SEP 28 2005

Case No. 5515

Date Filed 9/22/05

Hearing Date _____

Receipt _____

Fee 650.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

☐ Administrative Decision/Interpretation

☐ Special Exception

☐ Use Variance

☐ Change/Extension of Non-Conforming Use

☐ Minor Area Variance

☐ Area Variance

☒ Variance from Requirements of the Code

☐ Zoning Map/Drafting Correction

☒ Special Development Approval

CASE 5515 MAP 41 TYPE Special Development and Variance

ELECTION DISTRICT 03 LOCATION 1318 East Churchville Road

BY Aaron and Katherine Thompson, 1713 Stone Ridge Court, Bel Air 21015

Appealed because a special development pursuant to Sec. 267-47.1 and a variance pursuant to Sec. 267-45(E) of the Harford County Code to allow conversion of residence to professional offices and not have access to public sewer, in the RO District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Aaron and Katherine Thompson Phone Number Call Attorney

Address 1713 Stone Ridge Court Bel Air MD 21015
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative Kevin J. Mahoney, Esquire Phone Number 410-893-7500

Address 11 South Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Rev. 12/02

Land Description

Address and Location of Property 1318 East Churchville Road in Bel Air, MD, West of Fountain Green

Subdivision -- Lot Number --

Acreage/Lot Size 0.52 Acres Election District 03 Zoning RO

Tax Map No. 41 Grid No. 4D Parcel 10 Water/Sewer: Private SEWER Public WATER

List ALL structures on property and current use: one single family dwelling and one detached garage

Estimated time required to present case: thirty minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes No X

Is this request within one (1) miles of any incorporated town limits? Yes No X

Request

SEE ATTACHED

Justification

SEE ATTACHED

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

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ATTACHMENT TO THE APPLICATION OF
AARON AND KATHERINE THOMPSON

REQUEST

1. Special development approval for conversion of residence to professional offices in the RO District;
2. Variance to allow conversion to professional offices in the RO District without access to public sewer.

JUSTIFICATION

The proposed conversion meets all the requirements of the Harford County Zoning Code with the exception of access to public sewer. Public water is available to the site. The proposed conversion is consistent with the RO zone and the 2004 Master Land Use Plan. It will provide valuable services to the surrounding community while serving as a buffer to nearby residential development.

The subject property is not appropriate for residential use. It fronts on Churchville Road (Route 22), a very heavily traveled roadway. Nearby properties have been converted to office uses. The property is unique in that it is zoned for the proposed conversion but cannot satisfy the sewer access requirement. The water/sewer requirement was added to the Code in 2004 after the property was zoned RO. Extending the sewer to the property would be an undue hardship on the property owner and would open this area of Churchville Road up to more intense development. The property can be adequately served by septic and the requested relief will have no adverse impact on surrounding properties.

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

October 25, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO: 5515

APPLICANT/OWNER: Aaron and Katherine Thompson
1713 Stone Ridge Court, Bel Air, Maryland 21015

REPRESENTATIVE: Kevin J. Mahoney, Esquire
11 South Main Street, Bel Air, Maryland 21014

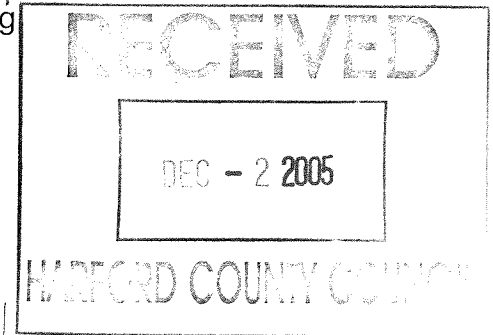
LOCATION: 1318 East Churchville Road, west of Fountain Green
Tax Map: 41 / Grid: 4D / Parcel: 10
Election District: Three (3)

ACREAGE: 0.52 of an acre

ZONING: RO/Residential Office

DATE FILED: September 22, 2005

HEARING DATE: December 14, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting Special Development approval pursuant to Section 267-47.1 of the Harford County Code and a variance pursuant to Section 267-45(E) of the Harford County Code to allow conversion of a residence to professional offices and not have access to public sewer, in the RO/Residential Office District.

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Section 267-47.1 will be discussed in detail later in the report.

Section 267-45(E) of the Harford County Code reads:

E. The project shall be served by public water supply and public sewerage disposal unless developing under guidelines for the conservation development as in Section 267-46.1.

Enclosed with the report is a copy of Section 267-36.1, Table VIIA of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located east of Bel Air on the north side of Churchville Road (MD Route 22) approximately 1400 feet east of Moores Mill Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located within the Development Envelope. The predominant land use designations in the area are Low, Medium and High Intensities. There are Neighborhood Centers located to the east and west of the subject property. The Natural Features Map reflects Sensitive Species Project Review Areas and stream systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County generally conform to the overall intent of the 2004 Master Plan. Residential uses include conventional single-family dwellings, apartments, townhouses and condominiums. Commercial uses include shopping centers, individual retail businesses and service uses. The topography of the area ranges from rolling to steep especially near and along stream valleys. Enclosed with the report is a copy of a topography map and the aerial photograph (Attachments 7 and 8).

The Applicant's property is approximately 0.52 acres in size with road frontage on the north side of Churchville Road (MD Route 22). The lot slopes from the front of the house to the rear of the

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property. Improvements consist of a single family dwelling with a covered front porch. The topography is such that the rear basement wall is out of ground making it 2 stories in the rear. To the rear of the dwelling is a frame 2 car detached garage. The driveway enters to the left side of the dwelling. The property contains mature trees and shrubbery, some of which are to be removed for the construction of the proposed addition to the dwelling and to provide parking as shown on the Applicant's site plan. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 A - E and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes RO/Residential Office, R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The subject property is zoned RO/Residential Office, as shown on the enclosed copy of the Zoning Map (Attachment 11).

SUMMARY:

The Applicants are requesting Special Development approval pursuant to Section 267-47.1 of the Harford County Code and a variance pursuant to Section 267-45(E) of the Harford County Code to allow conversion of a residence to professional offices and not have access to public sewer, in the RO/Residential Office District.

Section 267-47.1.

A. Purpose. To provide opportunities for conversion of existing residential structures or the development of new structures for retail, service and office uses in predominantly residential areas. The purpose of these development standards are to ensure that the structures and uses developed are compatible and in harmony with the neighboring residential communities.

B. Development standards.

(1) Design. An architectural rendering of the building facade and elevation of the structure shall be submitted to the Board. The rendering shall demonstrate how the project meets the following standards and objectives:

(a) Redevelopment of existing residential structures. Redevelopment of existing residential structures shall be permitted provided that any physical modification is compatible and in harmony with the neighboring residential communities relative to architectural design, scale, building height and materials used in construction.

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The Applicant has submitted a copy of the Architectural renderings reflecting the existing structure and the proposed addition (Attachment 12). The drawings reflect that the existing structure along with the addition to the rear will retain its residential character and will be compatible with other residential uses in the area.

- (b) *Development of new buildings. New buildings developed for retail, service and office uses shall be designed to be compatible and in harmony with the neighboring residential communities relative to architectural design, scale building height and the materials used in construction. Elements to be considered in determining compatibility with neighboring residential communities shall include massing and building materials as well as cornice lines, window lines, roof pitch and entry.*

The addition is compatible with neighboring residential communities.

- (c) *Design requirements. See Design Table VIIA.*

The existing dwelling and new addition shall meet the required setbacks and conform to the design standards pursuant to Design Table VIIA. The existing and proposed improvements comply with the design standards for the proposed use. The garage is located within the 15 foot use setback and can not be used as part of the business.

- (2) *Maximum building coverage. The maximum building coverage shall be 40% of the lot, and the maximum impervious surface shall be 65% of the lot.*

The conceptual site plan shows that the applicants can easily meet this requirement.

- (3) *Use limitations. The uses permitted under this section shall comply with the following:*
 - (a) *Enclosed building. All uses permitted shall be conducted within an enclosed building, except parking, loading, unloading or as otherwise permitted.*

The proposed use is professional offices. There will be no outside use or storage on site except for parking. The existing garage will be used by the Applicant for storage of maintenance equipment and personal storage/parking.

- (b) *Storage restriction. The outside storage of material or equipment shall not be permitted.*

There will be no outside storage.

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- (c) *Screening requirements. Parking, loading, unloading or other outdoor activity shall be screened from adjacent residential lots. Screening shall consist of landscaping, walls or solid fencing at least 6 feet high which shall be continuous to prevent visibility of the area.*

The site contains mature trees and shrubbery some of which will be removed to construct parking. The adjacent property to the west was approved for a dental office (Attachment 13). The Applicants however are proposing to landscape between the parking area and the side property line. The property to the east and north is recorded as open space for the Amyclae Estates development.

- (d) *Hours of operation. Uses shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m., inclusive.*

The Applicants will be required to meet this condition.

- (4) *Landscaping. The landscaping shall, to the extent possible, preserve unique features and mature vegetation, especially large trees. Lawn and landscaped areas shall be maintained to preserve the residential character of the area. Landscaped buffer yards shall be planted in harmony with adjoining residences and in accordance with Section 267-28 of this chapter. A landscaping plan shall be submitted to the Board for review and approval.*

The Applicant's site plan shows both existing and proposed landscaping that will preserve the residential character of the area.

- (5) *Outside lighting. Outside lighting shall be so shaded, shielded, directed or maintained so that the lighting does not cause a glare or reflection on adjacent residential lots.*

No outside lighting is proposed at this time. If in the future, the Applicants decide to utilize security lighting, it will need to be reviewed and approved by the Department of Planning and Zoning. The Applicants are required to direct any lighting down and onto the site avoiding glare and reflection on to adjacent residential properties and Churchville Road.

- (6) *Ingress and egress. Any ingress or egress to the site shall be designed to provide the safest means of traffic flow.*

Ingress and egress is limited to one access point located to the left or west side of the lot. The design of the entrance onto Churchville Road will be subject to State Highways requirements.

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Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

This area of the County contains a mix of residential, institutional, and commercial uses that range from individual retail to shopping centers. The proposed use should have no adverse impact on persons living or working in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The subject property fronts on Churchville Road (MD Route 22) which is a State owned and maintained highway. Sight distance from the proposed entrance is good in both directions. The proposed use will not adversely impact traffic in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The Applicants propose to convert the existing property to professional offices which is a permitted use in the RO/District. They are seeking a variance from the requirement that the property be connected to public sewer. There is sewer in the area but to extend it to the subject property at this time would be cost prohibitive. Professional offices in the area would be compatible to the other uses in this community. The proposed conversion and addition to the existing dwelling will be compatible with the other residences in the area.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should have no adverse impact on the surrounding community based on the issues listed in this subsection.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The County Sheriff's Office and the Maryland State Police will provide police protection. The Bel Air Volunteer Fire Companies will provide fire protection. The property at this time will be served by public water and private septic system. A company of the Applicants' choice will handle garbage and trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

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The requested use is consistent with generally accepted planning principals and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

There are schools and churches in the vicinity of the subject property however, the proposal should have no adverse impact on these uses.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is compatible with the existing zoning and the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed use should have little or no environmental impact.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to this request.

Section 267-45(E):

- E. *The project shall be served by public water supply and public sewerage disposal unless developing under guidelines for the conservation development as in Section 267-46.1.*

The Department finds that the requested variance is justified. The applicant would not typically be required to connect to public sewer at this time. The closest available sewer appears to be located on the south side of MD 22, 400 feet away (Attachment 14). This would not be the preferred method for providing sewer to this lot and the adjacent properties. In the future a gravity sewer line should be extended from the Freedom Federal Bank property to the west to serve the properties along the north side of MD 22.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the conversion of the existing structure and for the proposed addition.

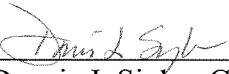
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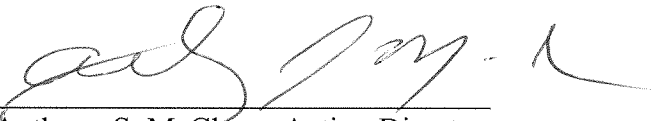
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2. The Applicants shall prepare a detailed site plan to be reviewed and approved thru the Development Advisory Committee. The site plan shall include a final landscaping plan and lighting plan.
3. The Applicants shall comply with all Health Department regulations pertaining to the use of an on site septic system.
4. The applicants shall connect to public sewer when it becomes available. The determination of this requirement shall be at the discretion of the Department of Public Works or the Health Department. If in the future a sewer petition is developed for this area the applicant shall support the petition.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf